

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 18 May 2005

Division: Growth Management

Bulk Item: Yes X No

Department: Marine Resources

Staff Contact: George Garrett

AGENDA ITEM WORDING:

Approval of a resolution to amend Resolution 471-2003 revising the Implementation Plan for Wastewater Assistance for Low and Very Low-Income Households as set out in Attachment 2 of the Resolution.

ITEM BACKGROUND:

The Housing Authority wishes to make a minor modification to its implementation plan for funds provided to low and very low income household to help offset the costs of wastewater improvements. The Plan is embodied in Resolution 471-2003. The revised Plan is attached for approval. The provisions in the revised plan provide greater flexibility to the Housing Authority in defining eligibility for the funds when receiving grant applications from constituents. The basic issue is that there are funds remaining to be dispersed and the deadline for application has passed. The revision to the attached plan would allow additional applications on a first come, first served basis and would otherwise be approved based on existing eligibility criteria.

PREVIOUS RELEVANT BOCC ACTION:

October 2003 – Resolution 471-2003

CONTRACT/AGREEMENT CHANGES:

NA

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: \$2,503,209

BUDGETED: Yes No

COST TO COUNTY: CDBG Grant dependent

SOURCE OF FUNDS: CDBG/Fund 304/Other

REVENUE PRODUCING: Yes No X **AMOUNT Per Month** **Year**

APPROVED BY: County Atty X OMB/Purchasing NA Risk Management NA

DIVISION DIRECTOR APPROVAL: 
Timothy McGarry, Director of Growth Management

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM NO.:

RESOLUTION NO. 2005

A RESOLUTION OF THE MONROE COUNTY BOARD OF COMMISSIONERS AMENDING ATTACHMENT 2 OF RESOLUTION 471-2003, COMMITTING FUNDS TO ASSIST LOW AND VERY LOW INCOME HOUSEHOLDS IN THE PAYMENT OF WASTEWATER CONNECTION FEES AND IN MAKING NECESSARY AND RELATED ON-SITE IMPROVEMENTS FOR PROJECT AREAS LOCATED IN THE STOCK ISLAND, BAYPOINT, CONCH KEY, AND KEY LARGO (KEY LARGO TRAILER VILLAGE, KEY LARGO PARK AND SUNSET WATERWAYS) WASTEWATER PROJECT AREAS.

WHEREAS, the Board of County Commissioners adopted Resolution 471-2003 committing funds to assist low and very low income households in payment of wastewater connection fees and in making necessary and related on-site improvements; and

WHEREAS, grant funds provided through the Community Development Block Grant program remain available, though application deadlines have passed; and

WHEREAS, the Monroe County Housing Authority wishes to use all available funds so that future CDBG applications are not jeopardized and further wishes to allow additional CDBG grant applications on a first come first served basis; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, MONROE COUNTY, FLORIDA THAT:

Section 1. Said Board hereby amends Resolution 471-2003 to replace Attachment 2 of the existing resolution with the following replacement Attachment 2.

PASSED AND ADOPTED by the Board of County Commissioners,
Monroe County, Florida at a regular meeting of said Board held on the 18th day
of May, A.D., 2005.

Mayor Dixie Spehar _____
Mayor Pro Tem Murray Nelson _____
Commissioner George Neugent _____
Commissioner Charles "Sonny" McCoy _____
Commissioner David Rice _____

BOARD OF COUNTY COMMISSIONERS
MONROE COUNTY, FLORIDA

BY: _____
MAYOR/CHAIR PERSON

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

BY: _____
DEPUTY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: Klu 5.3.05
ATTORNEY'S OFFICE

Attachment 2

Implementation Plan for
Wastewater Assistance for Low and Very-Low Income Households

All funds awarded will be in the form of grants to the homeowners and loans to property owners providing rentals to qualified beneficiaries.

The process for selecting, accepting, reviewing and approving requests for assistance will be by advertisement in local newspapers of general circulation on at least four occasions. This process will provide a minimum sixty (60) day application period. Additional outreach activities shall include, press releases, announcements at public meetings and notification to the following: non-profit organizations, social service providers, local churches, daycare providers and organizations serving the elderly. Any subsequent application periods necessary shall meet the criteria outlined above.

Properties to be addressed shall meet all of the following criteria:

Priority #1

- Single family unit
- Owner occupied
- Primary residence
- Contain Housing Quality Standards or Health/Safety Violations or sewer connection requirements

Priority #2

- Property owners
- Single family unit or multifamily rental properties
- Occupied by qualified beneficiaries with sewer connection requirements.

Applications received within the application period(s) which meet the primary criteria above shall be prioritized based on the schedule outlined herein. Those households/projects receiving the greatest priority score shall be addressed until all available funding has been expended. Subsequent applications processed will be on a first come/first served basis and in accordance with the priority criteria contained herein.

Priorities

Elderly (one owner greater than 62 yrs.)	10
Disabled household member	10
Documented Multiple Housing Quality Standard violations	10
Very low income	05
Children in household (greater than 2)	05
Length of Ownership (greater than 15 yrs.)	05
(0-5yrs = 0; 6-10yrs = 2; 11-15yrs = 3; 16yrs+ = 5)	

Single head of household (2 or more persons)

05

Note: In the event of tie scores, very low-income households will receive priority.

Conflicts of interest will be addressed pursuant to 24 C.F.R. Section 570.489 and Chapter 112.311-112.3143, F. S. by immediate identification of potential conflicts.

Additionally, beneficiaries will be identified in minutes of the Monroe Board of County Commissioners (BOCC) and the CDBG Citizens Advisory Task Force meeting(s) so that any previously unknown conflicts may be surfaced. The conflicts will be acknowledged publicly along with the final selection of beneficiaries.

It is the intent of the Monroe County Commission and the CDBG Citizens Advisory Task Force to deal with these conflicts if such conflicts occur on a local level and request waiver for acknowledgement of the conflicts when appropriate.

Monroe County will also provide funding for sewer connections for property owners of single-family rental properties, occupied by eligible households. These will fall under the priority #2 category listed above. In the event of funds availability and completion of all applicants under priority #1, the County will provide funds for the sewer connection and on-site improvements for Priority #2 under the following process.

Assistance will be provided as a loan. Applicants will execute a note secured by a mortgage on the subject property. The term of the note will be for three (3) years at zero (0) percent interest and requires no regular payments. The principal balance shall be forgiven by 1/3rd annually on the anniversary date. The mortgage shall contain affordability covenants that require that during the term of the loan, the property shall be rented on an annual lease to very low- and low-income households subject to annual income certification.

RESOLUTION NO. 471 - 2003

A RESOLUTION OF THE MONROE COUNTY BOARD OF COMMISSIONERS COMMITTING FUNDS TO ASSIST LOW AND VERY LOW INCOME HOUSEHOLDS IN THE PAYMENT OF WASTEWATER CONNECTION FEES AND IN MAKING NECESSARY AND RELATED ON-SITE IMPROVEMENTS FOR PROJECT AREAS LOCATED IN THE STOCK ISLAND, BAYPOINT, CONCH KEY, AND KEY LARGO (KEY LARGO TRAILER VILLAGE, KEY LARGO PARK AND SUNSET WATERWAYS) WASTEWATER PROJECT AREAS, BASED ON SPECIFIC FUNDING PROJECTIONS PROVIDED BY THE MONROE COUNTY HOUSING AUTHORITY AND ADOPTING AN IMPLEMENTATION PLAN FOR UTILIZATION OF COUNTY FUNDS TO BE ADMINISTERED THROUGH THE MONROE COUNTY HOUSING AUTHORITY FOR ELIGIBLE HOUSEHOLDS SEEKING ASSISTANCE UNDER THE PROGRAM.

WHEREAS, the County currently has oversight for the following wastewater projects either under construction or nearing the point at which construction will begin:

- o Stock Island
- o Baypoint
- o Conch Key and
- o Key Largo (Key Largo Trailer Village, Key Largo Park, and Sunset Waterways); and

WHEREAS, Resolution 306-2002 commits the County to assist "economically disadvantaged households" in the low and very low income categories as defined by HUD; and

WHEREAS, the FEMA, which is providing funding for three of the projects noted above, requires that the County mitigate financial impacts to economically disadvantage households as part of its Environmental Justice standards; and

WHEREAS, the attached table (Attachment 1 – Funding Estimates) documents the estimated number of affected households from 2000 U.S. Census

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DANNY L. KOLHAGE
CLERK
MONROE COUNTY, FLA

records, a projected number of applicants for each area (at a 50% participation level), and the necessary funding commitment (with a \$2,700 connection fee assumed); and

WHEREAS, the County wishes to establish and implementation plan for the provision of funds to assist low and very low income qualified households in making payments toward wastewater connection fees and wastewater related on-site expenses; and

WHEREAS, a Interlocal Agreement between the County and the Monroe County Housing Authority (MCHA) exists, which allows the MCHA to implement this program on behalf of the County, now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, MONROE COUNTY, FLORIDA THAT:

Section 1. The Board shall reserve sufficient funds from available funding sources , including an existing Community Development Block Grant (CDBG) to meet the estimated financial assistance needs of low and very income households as itemized for each of the following four project service areas:

1. Stock Island	Connection Costs	\$ 852,390
	Abandonment / Lateral Costs	\$ 947,100
2. Baypoint	Connection Costs	\$ 86,098
	Abandonment / Lateral Costs	\$ 95,664
3. Conch Key	Connection Costs	\$ 39,492
	Abandonment / Lateral Costs	\$ 43,880
4. Key Largo	Connection Costs	\$ 207,751
	Abandonment / Lateral Costs	\$ 230,834
Total	Connection Costs	\$1,185,730
	Abandonment / Lateral Costs	\$1,317,478
Grand Total		\$2,503,209

Section 2. The estimated funds required are considered approximate based on available census data and 50 percent program participation. These numbers

Marine Resources

will be adjusted as needed based on the actual number of applicants from low and very low income households participating and on actual capital construction costs.

Section 3. Such funds and their use for the purposes set out herein shall be administered through the Monroe County Housing Authority as provided for in the attached Implementation Plan (Attachment 2).

Section 4. The Board adopts the attached Implementation Plan (Attachment 2) as the criteria by which qualification for assistance will be determined and the means by which the amount of funding assistance to be provided each applicant will be established. This implementation shall be utilized for all wastewater funding assistance projects unless otherwise specifically identified or modified. Background for the Implementation Plan is provided in Attachment 3, provided for information purposes.

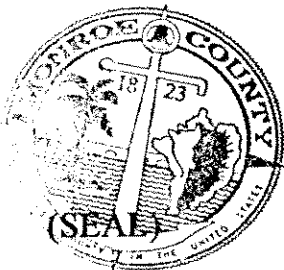
PASSED AND ADOPTED by the Board of County Commissioners, Monroe County, Florida at a regular meeting of said Board held on the 15th day of October, A.D., 2003.

Mayor Dixie Spehar	<u>yes</u>
Mayor Pro Tem Murray Nelson	<u>yes</u>
Commissioner George Neugent	<u>yes</u>
Commissioner Charles "Sonny" McCoy	<u>yes</u>
Commissioner David Rice	<u>yes</u>

BOARD OF COUNTY COMMISSIONERS
MONROE COUNTY, FLORIDA

BY: _____

MAYOR/CHAIR PERSON



ATTEST: DANNY I. KOLHAGE, CLERK

BY: Isabel C. DeSantis
DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

Robert N. Wolfe
ROBERT N. WOLFE
CHIEF ASSISTANT COUNTY ATTORNEY
Date 10-28-03

Attachment 1
Funding Estimates

Estimated Funding Commitment Necessary to Meet
Needs of Financially Disadvantaged Households

Project Area	Est. No. of Eligible Households	Projected No. of Applicants*	Projected Funding Commitment**
Stock Island	763	382	\$1,799,490
Baypoint	82	41	\$181,762
Conch Key	36	18	\$83,372
Key Largo	193	97	\$438,585

* - Estimated maximum program participation – 50 %

** - 70 % grant for low income households

90% grant for very low income households

Assumed \$2,700 Connection Fee

Assumed \$3,000 maximum on-site improvement cost

Attachment 2

Implementation Plan for
Wastewater Assistance for Low and Very-Low Income Households

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Priority #2

- Property owners
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- Occupied by qualified beneficiaries has sewer connection requirements.

Applications received within the application period(s) which meet the primary criteria above shall be prioritized based on the schedule outlined herein. Those household/projects receiving the greatest priority score shall be addressed until all available funding has been expended.

Priorities

Elderly (one owner greater than 62 yrs.)	10
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Additionally, beneficiaries will be identified in minutes of the Monroe Board of County Commissioners (BOCC) and the CDBG Citizens Advisory Task Force meeting(s) so that any previously unknown conflicts may be surfaced. The conflicts will be acknowledged publicly along with the final selection of beneficiaries.

It is the intent of the Monroe County Commission and the CDBG Citizens Advisory Task Force to deal with these conflicts if such conflicts occur on a local level and request waiver for acknowledgement of the conflicts when appropriate.

Monroe County will also provide funding for sewer connections for property owners of single-family rental properties, occupied by eligible households. These will fall under the priority #2 category listed above. In the event of funds availability and completion of all applicants under priority #1, the County will provide funds for the sewer connection and on-site improvements for Priority #2 under the following process.

Assistance will be provided as a loan. Applicants will execute a note secured by a mortgage on the subject property. The term of the note will be for five (5) years at zero (0) percent interest and requires no regular payments. The principal balance shall be forgiven by 1/5th annually on the anniversary date. The mortgage shall contain affordability covenants that require that during the term of the loan, the property shall be rented on an annual lease to very low- and low-income households subject to annual income certification.

Attachment 3

Background for Implementation Plan

The County is using FEMA funding to assist in build wastewater systems throughout the county. FEMA has addressed assistance to Low- and Very Low-Income eligible residents through Executive Order (EO) 12898:

Executive Order (EO) 12898 (Environmental Justice), entitled "Federal Action to Address Environmental Justice in Minority Populations," directs Federal agencies "to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States..." To reduce costs to low-income and very low-income service recipients in compliance with EO 12898, financial assistance guidelines have been developed.

Under this EO, FEMA has provided a minimum requirement to be met:

Low-income property owners would receive assistance with at least 70% of their system capital cost; and 70% of their existing system abandonment and lateral costs, up to \$3,000.

Very low-income property owners would receive assistance with at least 90% of their system capital cost, and 90% of their existing system abandonment and lateral costs, up to \$3,000.

The assistance guidelines presented above represent a minimum goal and will be required during project implementation in order for the Monroe County/FKAA to receive FEMA grant funding. Costs to low-income service recipients may be further offset at the County's discretion. Further assistance could come from State grant funding made available from Community Development Block Grants, the State Housing Initiative Partnership Program, and/or a project contingency made available from existing State and Federal grant funding. Monroe County has identified recently awarded CDBG funds that are available to help low-income wastewater service recipients throughout the county.

The 90% / 70% assistance program set forth is designed to address the needs of low-income and very low-income property owners. FEMA does not have specific requirements under EO 12898 to assist low-income renters. The County will provide such assistance to homeowners that rent to income eligible tenants. The County intends to provide the same level of service to this renting population. With the implementation of the FEMA assistance program and the use of FEMA grant funding and Monroe County funding, no highly disproportionate or adverse affects would be felt by low-income or very-low income

The Monroe County Housing Authority currently uses the first two tiers of the U.S. Department of Housing and Urban Development's (HUD's) MFI-based income levels to administer its low-income assistance programs. To administer their programs fairly, HUD makes annual projections of MFI by county and adjusts for family size. The first two tiers of low- and very low-income levels are set as percentages of the county MFI. In 2003, the income limits for a family of three in Monroe County were \$40,700 for the low-income level and \$25,450 for the very low-income level.

Table below shows HUD's FY 2003 poverty, very low-and low-income levels for various family sizes in Monroe County.

Number of People In Household					
	1	2	3	4	5
Low-Income	\$31,650	\$36,150	\$40,700	45,200	\$48,800
Very Low-Income	\$19,800	\$22,600	\$25,450	\$28,250	\$30,500
Poverty	\$11,850	\$13,550	\$15,250	\$16,950	\$18,300

The Community Development Program Administrator, Special Programs Office (SPO), Monroe County Housing Authority (MCHA) will be administrator of this program and implement the program.

The Implementation Plan is administered according to the County's Housing Assistance Plan (HAP)(Amended), See pertinent information from the HAP at Attachment A. Whether funds are provided through the State / Federal CDBG grant process or provided by the County through other funding mechanisms and sources, the Implementation Plan will be administered as identified below, as a CDBG program with the same stipulations and application forms.

The application process is based on the County HAP. An application with a cover letter explaining this CDBG program is mailed out and available at the SPO office. The application period is for 60-days. The SPO staff is available to assist in answering any questions regarding eligibility and completing the application. When the applications are received, they are reviewed for completeness. If additional information is needed, this is requested of the applicant. The application consists of: a cover letter; application instructions; application form for information on address, household composition, income level, and, status – owner-

occupied, primary residence or owner renting to eligible tenant; release form; resident income certification form; social security consent for release of information form; statement of no tax return form. A letter from the SPO staff to the applicant is provided to inform them that they have a complete application and that they have or have not met the CDBG application requirements. If they have not met the requirements, the reasons are stated in the letter, e.g., over the income limit or the property is not their primary residence. If they did meet the requirement, their letter will inform them to expect another letter as to the amount to be awarded and additional instructions.

When the application period is closed, all outstanding information is requested of applicants, i.e., 1040 tax return for the previous year, applied for Homestead Exemption, and any other exigent circumstances. If required, the Citizens Advisory Task Force (CATF) will approve an extension of this application completion process to close out outstanding issues. Once all applicant issues are resolved, an order-of-merit listing is prepared for approval by the CATF and forwarded to the BOCC for conflict of interest resolution and approval. Based on the funding allocated, and the number of applicants on the list, a household dollar amount can be allotted to each applicant.

When the funding for each household is known, the SPO staff sends a letter of commitment to the household and instructions on contracting a plumber to connect their home to the sewer system and their septic/cesspit abandonment. At this point the SPO staff works directly with the applicant to ensure timely payments are made to the plumbers and the contract requirements are being met, i.e., permits obtained, county inspections made, etc.

Funding requests to DCA are made from a combination of the individual funding amount and the plumbing contractor costs. The owners, primary-residence receives the money as a grant. The owner renting to income eligible tenants, receive their funding in the form of a promissory note. Attachment A provides the promissory note process. The SPO staff will coordinate all of the payments through the County. Once all payments have been completed and the CDBG funds have been expended, the SPO staff can begin closing out this CDBG grant. Close out with DCA will take three (3) months.